

4331. Misbranding of "Dander-Off." U. S. v. The C. Hughel Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5513. I. S. No. 3316-h.)

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against The C. Hughel Co., a corporation, Indianapolis, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on June 21, 1913, from the State of Indiana into the State of New York, of a quantity of "Dander-Off" which was misbranded. The article was labeled: (On carton) "Style Adopted Oct. 1, 1909. Hughels Trade Mark Reg. in U. S. Pat. Office Trade Mark Dander Off Hits the Spot Hair Tonic & Dandruff Remedy The Great Dandruff Remover and Scalp Remedy. Dander-off Is a Scientifically Prepared Remedy for Diseases of the Scalp and to Promote the Growth of Hair Prepared by The C. Hughel Co. Indianapolis, Indiana. Dander-Off King of all Dandruff Remedies Contains no Oil, Alkali or Grease. Leaves hair soft and fluffy. Does not stick or gum. Pleasant to the scalp and easy to apply. A Superior Remedy for Dandruff In all its Forms. All diseased and eczemic affections of the Scalp. Allays itching in one or two applications. Stops Falling Hair. M. A. Russo Newport, R. I. Distributor for the New England States and New York City Depot, 416 West 53d Street New York N. Y. Get rid of Dandruff and your hair will grow. Directions. Before applying the Dander-Off give the scalp a mild rubbing with the ends of the fingers, Not The Finger Nails. Do not use a stiff, coarse, dirty brush in any instance. If head is not sore, apply twice a week for two weeks, just enough to dampen the hair, at the same time give the scalp a mild rubbing with the ends of the fingers. Then once a week, for two or three weeks, in the same manner. If head is sore use lightly once a week until cured. In no case irritate the scalp by scratching. One application of the remedy will stop the itching of the scalp. Do not wet the head with the remedy, just dampen the hair. An occasional application will be sufficient (after you will have effected a cure) to keep the scalp and the hair in a good and healthy condition. This bottle contains sufficient quantity for one person for six months. The manufacturers authorize every dealer to guarantee Dander-Off to give satisfaction in every case and to refund the money, should it ever fail. Guaranteed by C. Hughel under the Food and Drugs Act, June 30, 1906. Serial No. 9743." (On bottle) "Hughel's Dander Off Hits the Spot Trade Mark Reg. in U. S. Pat. Office Hair Tonic Dandruff Remedy The Greatest Remedy Science Has Produced A few applications will remove the worst case of Dandruff, suppress falling hair, stop itching, and will restore lifeless hair to good condition. Directions: If the head is not sore, apply twice a week for two weeks just enough to dampen the hair, giving the scalp a mild rubbing with the ends of the fingers. Then once a week in the same manner. If the head is sore, use lightly once a week until cured. Prepared by The C. Hughel Co. Indianapolis, Ind." The circular or pamphlet accompanying the article contained, among other things, the following: "Cure the Dandruff, Save Your Hair and Prevent Baldness." "Itching Scalp, Scurf and Eczemic Affections Readily yield to it. One application will stop itching of the scalp; five to ten applications are guaranteed to cure the worst cases of Dandruff, Scurf, Scrofulous and Eczemic affections of the scalp, if applied according to directions." "Falling Hair If your hair is falling out, caused by Dandruff or diseased scalp, Dander-Off will stop it. Puts the scalp in a good healthy condition, removes the disease, causes the hair to take on new life, and to grow more abundantly than ever."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Solids (gram per 100 cc)-----	0.57
Ash (gram per 100 cc)-----	0.39
Borax (gram per 100 cc)-----	0.29
Arsenic, as As_2O_3 (mg. per 100 cc)-----	14.0
Coal-tar dye (amaranth)-----	Present.

Sample is an alkaline solution of borax and arsenic trioxid, colored with coal-tar dye.

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "* * * A Superior Remedy for Dandruff In all its Forms. All diseased and eczemic affections of the Scalp. * * * Stops Falling Hair, * * *" (On bottle) "* * * A few applications will * * * restore lifeless hair to good condition * * *," and included in the circular or pamphlet aforesaid, to wit, "Cure the Dandruff, Save Your Hair and Prevent Baldness," "* * * five to ten applications are guaranteed to cure the worst cases of * * * Scrofulous and Eczemic affections of the scalp, if applied according to directions," "* * * causes the hair to take on new life, and to grow more abundantly than ever," were false and fraudulent, in that the same were applied to said article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients and medicinal agents effective, among other things, as a superior remedy for dandruff in all its forms and all diseased and eczemic affections of the scalp, and effective for stopping falling hair, and effective for restoring lifeless hair to good condition, and effective as a cure for dandruff and scrofulous and eczemic affections of the scalp if applied according to directions, and effective for causing the hair to take on new life and to grow more abundantly than ever, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients and medicinal agents effective, among other things, as a remedy for dandruff in all its forms, or for all diseased or eczemic affections of the scalp, or for stopping falling hair, or for restoring lifeless hair to good condition, or for curing dandruff or scrofulous or eczemic affections of the scalp if applied according to directions, or in any other manner, or for causing the hair to take on new life, or to grow more abundantly than ever.

On November 29, 1915, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*